

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

|                       |   |                           |
|-----------------------|---|---------------------------|
| TERRY L. FOSTER,      | ) | CASE NO. 1: 24 CV 359     |
|                       | ) |                           |
| Plaintiff,            | ) | JUDGE DONALD C. NUGENT    |
|                       | ) |                           |
| v.                    | ) | <u>MEMORANDUM OPINION</u> |
| PNC BANK and PNC BANK | ) | <u>AND ORDER</u>          |
| CORPORATE OFFICE,     | ) |                           |
|                       | ) |                           |
| Defendant.            | ) |                           |

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Jonathan D. Greenburg. The Report and Recommendation (ECF # 9), issued on May 3, 2024, is hereby ADOPTED by this Court. Plaintiff, currently incarcerated at Richland Correctional Institute and proceeding *pro se*, filed a Complaint against Defendant PNC Bank alleging discriminatory treatment and negligence. Defendant moved to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(6). After thoroughly analyzing the complaint and the applicable law, Magistrate Judge Greenburg found that Plaintiff's Complaint did not state a plausible claim for relief and recommended that Defendant's Motion to Dismiss (ECF #5) be granted.

The Plaintiff did not file an objection to the Report and Recommendation. The applicable standard of review of a magistrate judge's report and recommendation depends upon whether objections were made to that report. When objections are made the district court reviews the case *de novo*. Fed. R. Civ. P. 72(b)(3). When no timely objection is filed, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72 advisory committee's notes (citations omitted). See also, *Thomas v. Arn*, 474

U.S. 140, 150 (1985)(“It does not appear that Congress intended to require district court review of magistrate judge’s factual or legal conclusions, under a de novo or any other standard, when neither party objects to these findings.”)

The Court has carefully reviewed the Report and Recommendation and agrees with the findings set forth therein. This Court, therefore, adopts the Magistrate’s Report in its entirety.

Defendant’s Motion to Dismiss (ECF #5) is granted.

IT IS SO ORDERED.

  
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DONALD C. NUGENT  
United States District Judge

DATED: June 7, 2024